

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTOPHER JOHNSON,

Plaintiff,

v.

ELDON VAIL, *et al.*,

Defendants.

No. C05-0748 MJP/JPD
C05-0957 MJP/JPD

ORDER

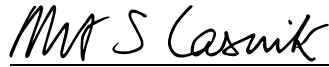
On August 18, 2005, plaintiff Christopher Johnson filed an “Emergency Motion for Change of Venue” asserting that the Honorable James P. Donohue is biased and partisan and asking that the above-captioned matter be transferred to a court outside of the State of Washington. Dkt. # 28. Pursuant to Local General Rule 8(c), Judge Donohue reviewed plaintiff’s motion, declined to recuse himself voluntarily, and referred the matter to the undersigned. Dkt. # 32. Plaintiff’s motion is therefore ripe for review by this Court.

Having reviewed the record in the above-captioned matter, the Court finds that the delay in ruling on plaintiff’s motion for injunctive relief is not unreasonable or otherwise out of the ordinary given the evidentiary issues that arose when plaintiff filed the declaration of “John Henry Lee, M.D., Ph.D.” Dkt. # 22. The delay does not suggest partiality or bias. To the contrary, the Court finds that Judge Donohue’s orderly and prompt consideration of the issues before him suggest that his impartiality cannot reasonably be questioned.

ORDER

1 There being no evidence of bias or prejudice, plaintiff's request to transfer this
2 matter to another judicial officer or jurisdiction is DENIED.

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4 DATED this 31st day of August, 2005.

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7 Robert S. Lasnik
8 United States District Judge
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